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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,181	09/17/2003	Udo Schutz	PR-50	3957
7590	12/18/2006		EXAMINER	
Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017			LHYMN, EUGENE	
			ART UNIT	PAPER NUMBER
			3781	

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/664,181	SCHUTZ, UDO
	Examiner	Art Unit
	Eugene Lhynn	3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 September 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,5 and 7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,5 and 7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz (US 6050437) in view of DE 7341620. With respect to claim 1, Schutz discloses the following:

- a pallet-shaped support frame of metal or of an electrically conducting plastic material (Col 2, Lines 47-50);
- an exchangeable inner container of plastic material (polyethylene) supported on the support frame and having four sidewalls, a bottom, and a top (Col 2, Lines 40-47);
- wherein the inner container further comprises an upper closable fill socket (Fig. 1, item 5) and a lower outlet socket with a tapping fixture or an upper closable tapping socket (Fig. 1, item 7);
- an outer jacket surrounding the inner container and being comprised of grade bars of metal or sheet metal (Fig. 1, item 9);
- wherein the inner container is a multi-layer body, comprising an exchangeable inner container of synthetic material and a lattice-like sheathing

- wherein the inner container has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein said conducting section extend across at least one of the sidewalls (Fig. 3 & 1, item 4)

However, Schutz fails to teach the electrically conducting plastic material with conducting sections being integral and also forming connections between an inner and outer surface of the inner container, and the conducting strips being the same thickness as the inner wall of the container. Nonetheless, DE 7341620 teaches a tank with electrically conducting plastic material wherein conducting strips are integral to the tank sidewalls, and form connections from the inside to the outside of the edge zones of the tank walls, so as to transfer internally generated static charge (See translated abstract), wherein the conducting material is molded into tank thus reducing extraneous labor costs associated with connecting a separate conducting strip, as well as simplifying design. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the inner container and separate, all-encompassing conduction strip of Schutz with integrally formed conduction strips within the sidewalls of the inner container as taught by DE 7341620 so as to reduce labor costs, as well as provide design simplification. In addition, with respect to the conducting strip thickness, it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the conducting strip thickness as such since it has been held that discovering an optimum value of a result-effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 3, Schutz, as modified above, discloses the electrically conducting strips, which are integrally molded in all of the walls of the inner container, having a vertical extension across at least one of the sidewalls and corner areas.

With respect to claim 5, Schutz as modified above discloses the conducting strips extending across the sidewalls, bottom and top of the inner container.

3. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz in view of DE 7341620 and further in view of Lucke (US 2002/0110658 A1). With respect to claim 7, Schutz, as modified above, discloses the claimed invention except for the inner container having an inner and outer layer, but Schutz, individually, does disclose a container with two physically separate layers, the outside layer being permanently antistatic. Nonetheless, Lucke teaches a composite tank that also utilizes the concept of conduction via wall material to mitigate internally generated static charge, wherein said tank comprises multiple layers (Fig. 9, [0068]), wherein having multiple layers improves strength of the container. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the inner container of Schutz as modified by DE 7341620 to have multiple layers as taught by Lucke so as to improve structural characteristics of the inner container.

With respect to claim 8, Schutz as modified above, discloses the claimed invention except for there being a central layer between the inner and outer layer.

However, Lucke teaches a composite tank that also utilizes the concept of conduction via wall material to mitigate internally generated static charge, wherein said tank comprises multiple layers (Fig. 9, [0068]), the central layer 96 being an adhering layer, wherein having multiple layers improves strength of the container. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the inner container of Schutz as modified by DE 7341620 to have multiple layers as taught by Lucke so as to improve structural characteristics of the inner container.

***Response to Arguments***

4. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lhymn whose telephone number is 571-272-8712. The examiner can normally be reached on MTWT 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ANTHONY D. STASHICK  
PRIMARY EXAMINER